

House Bill 714 (AS PASSED HOUSE AND SENATE)

By: Representatives Hamilton of the 24th, Meadows of the 5th, Ramsey of the 72nd, Peake of the 141st, Powell of the 171st, and others

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 8 of Title 34 and Title 50 of the Official Code of Georgia Annotated, relating to employment security and state government, respectively, so as to change certain provisions, processes, and procedures affecting unemployment insurance and benefits; to change certain provisions relating to the disposition of fines, penalties, and interest collected; to change certain provisions relating to regular benefits paid to be charged against experience rating account; to change certain provisions relating to benefit claims; to provide changes to the determination of eligibility for unemployment benefits of certain persons performing certain services; to provide for definitions; to change certain provisions relating to review of a decision of a hearing officer by the board of review; to change certain provisions relating to procedures for judicial review; to change certain provisions relating to the process of issuing, quashing, modifying, or withdrawing subpoenas; to change certain provisions relating to overpayments of benefits; to change the penalty amount added to an overpayment as a result of a false statement or misrepresentation; to change certain provisions relating to hearings of the Department of Labor relative to unemployment benefits or overpayment of unemployment benefits; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 8 of Title 34 of the Official Code of Georgia Annotated, relating to employment security, is amended by revising Code Section 34-8-92, relating to the disposition of fines, penalties, and interest collected, by designating the existing language as subsection (a) and adding a new subsection to read as follows:

"(b) Notwithstanding subsection (a) of this Code section, any amounts collected pursuant to Code Section 34-8-255 shall be returned to the Unemployment Compensation Fund to be used exclusively for the purposes of this chapter as required by federal law."

SECTION 2.

Said chapter is further amended by revising subsection (b) of Code Section 34-8-157, relating to regular benefits paid to be charged against experience rating account, as follows:

"(b) Regular benefits paid with respect to all benefit years that begin on or after January 1, 1992, shall be charged against the experience rating account or reimbursement account of employers in the following manner:

(1) Benefits paid shall be charged to the account of the most recent employer, as that term is defined in Code Section 34-8-43, including benefits paid based upon insured wages which were earned to requalify following a period of disqualification as provided in Code Section 34-8-194;

(2)(A) Benefits Except as otherwise provided in paragraph (3) of this subsection, benefits charged to the account of an employer shall not exceed the amount of wages paid by such employer during the period beginning with the base period of the individual's claim and continuing through the individual's benefit year.

(B) In the event the provisions of subparagraph (A) of this paragraph are determined by the United States secretary of labor or by a court of competent jurisdiction at a subsequent level of appeal, such appeal to be taken at the sole discretion of the Commissioner, to be out of conformity with federal law, the provisions of subparagraph (A) of this paragraph shall be considered null and void and the provisions of this subparagraph shall control. Benefits charged to the account of an employer shall not exceed the amount of wages paid by such employer during the period beginning with the base period of the individual's claim and continuing through the individual's benefit year; provided, however, the portion of such charges for benefits paid which exceed the amount of wages paid by such employer shall be charged against the experience rating account of all base period employers in the manner provided in subsection (a) of this Code section.

(C) Benefits Except as otherwise provided in paragraph (3) of this subsection, benefits shall not be charged to the account of an employer when an individual's overpayment is waived pursuant to Code Section 34-8-254.

(D) ~~Notwithstanding any other provision of this subsection to the contrary~~ Except as otherwise provided in paragraph (3) of this subsection, for the purposes of calculating an employer's contribution rate, an account of an employer shall not be charged for benefits paid to an individual for unemployment that is directly caused by a presidentially declared natural disaster;

(3)(A) ~~An employer's account may be charged for benefits paid due to the employer's failure to respond in a timely manner to the notice of claim filing even if the determination is later reversed on appeal~~ An employer shall respond in a timely and

adequate manner to a notice of a claim filing or a written request by the department for information relating to a claim for benefits.

(B) Any violation of subparagraph (A) of this paragraph by an employer or an officer or agent of an employer absent good cause may result in the employer's account being charged for overpayment of benefits paid due to such violation even if the determination is later reversed; provided, however, that upon the finding of three violations of subparagraph (A) of this paragraph within a calendar year resulting in an overpayment of benefits, an employer's account shall be charged for any additional overpayment and shall not be relieved of such charges unless good cause is shown; and
(4) Benefits paid to individuals shall be charged against the Unemployment Trust Fund when benefits are paid but not charged against an employer's experience rating account as provided in this Code section."

SECTION 3.

Said chapter is amended by revising paragraphs (1) and (2) of subsection (d) of Code Section 34-8-193, relating to benefit claims, as follows:

"(d)(1) Except as otherwise provided in this subsection, the maximum benefits payable to an individual in a benefit year shall be the lesser of:

(A) Fourteen times the weekly benefit amount, if this state's average unemployment rate is at or below 6.5 percent, with an additional weekly amount added for each 0.5 percent increment in this state's average unemployment rate above 6.5 percent up to a maximum of 20 times the weekly benefit amount if this state's average unemployment rate equals or exceeds 9 percent; or

(B) One-fourth of the base period wages.

If the amount computed is not a multiple of the weekly benefit amount, the total will be adjusted to the nearest multiple of the weekly benefit amount. The duration of benefits shall be extended in accordance with Code Section 34-8-197.

(2) In addition to and subsequent to payment of all benefits otherwise allowed under paragraph (1) of this subsection ~~and without restriction with respect to an individual's benefit year, for claims filed on or after January 1, 2010~~ whenever the average rate of total unemployment in this state, seasonally adjusted, as determined by the United States secretary of labor, for the period consisting of the most recent three months for which data for all states are published before the close of such week equals or exceeds 11 percent, weekly unemployment compensation shall be payable under this subsection to any individual who is unemployed, has exhausted all rights to regular unemployment compensation under the provisions of Article 7 of this chapter, and is enrolled and making satisfactory progress, as determined by the Commissioner, in a training program

approved by the department, or in a job training program authorized under the Workforce Investment Act of 1998, Public Law 105-220, and not receiving similar stipends or other training allowances for nontraining costs. Each such training program approved by the department or job training program authorized under the Workforce Investment Act of 1998 shall prepare individuals who have been separated from a declining occupation, as designated by the department from time to time, or who have been involuntarily and indefinitely separated from employment as a result of a permanent reduction of operations at the individual's place of employment, for entry into a high-demand occupation, as designated by the department from time to time. The amount of unemployment compensation payable under this subsection to an individual for a week of unemployment shall be equal to the individual's weekly benefit amount for the individual's most recent benefit year less deductible earnings, if any. The total amount of unemployment compensation payable under this subsection to any individual shall be equal to 14 times the individual's weekly benefit amount for the individual's most recent benefit year, if this state's average unemployment rate is at or below 6.5 percent, with an additional weekly amount added for each 0.5 percent increment in this state's average unemployment rate above 6.5 percent up to a maximum of 20 times the weekly benefit amount if this state's average unemployment rate equals or exceeds 9 percent. The provisions of subsection (d) of Code Section 34-8-195 shall apply to eligibility for benefits under this subsection. Except when the result would be inconsistent with other provisions of this subsection, all other provisions of Article 7 of this chapter shall apply to the administration of the provisions of this subsection."

SECTION 4.

Said chapter is further amended by revising Code Section 34-8-196, relating to determination of eligibility for benefits of aliens and other persons performing certain services, as follows:
"34-8-196.

(a) **Benefits based on service in ~~educational institutions~~ employment as defined in subsections (h) and (i) of Code Section 34-8-35.** Benefits based on service in employment as defined in subsections (h) and (i) of Code Section 34-8-35 shall be payable in the same amount, on the same terms, and subject to the same conditions as compensation payable on the basis of other services subject to this chapter, except as otherwise provided in this Code section.

(b) **Benefits based on service in educational institutions.**

(1) For the purposes of this subsection, the term:

(A) 'Educational institution' means any voluntary pre-kindergarten program, elementary or secondary school, postsecondary institution, or other provider of

educational services, irrespective of whether such program, school, institution, or other provider is public or private or nonprofit or operated for profit, provided that it:

(i) Is approved, licensed, or issued a permit, grant, or other authority to operate as a program, school, institution, or other provider of educational services by a federal, state, or local government or any of the instrumentalities, divisions, or agencies thereof with the authority to do so; and

(ii) Offers, by or under the guidance of teachers or instructors, an organized course of study or training in a facility or through distance learning which is academic, technical, trade related, or preparation for gainful employment in a recognized occupation.

The Commissioner is authorized to establish by rules or regulations such exceptions or exemptions from the term 'educational institution,' as defined in this paragraph, as he or she shall deem appropriate, consistent with any federal program requirements applicable to this chapter.

(B) 'Educational service contractor' means any public or private employer or other person or entity holding a contractual relationship with any educational institution or other person or entity to provide services to, for, with, or on behalf of any educational institution.

(C) 'Educational service worker' means any person who performs services to, for, with, or on behalf of any educational institution, regardless of whether such person is engaged to perform such services by the educational institution or through an educational service contractor.

~~(1)~~(2) With respect to services performed by an educational service worker in an instructional, research, or principal administrative capacity to, for, with, or on behalf of any educational institution, including those operated by the United States government or any of its instrumentalities, divisions, or agencies, benefits shall not be paid during periods of unemployment if services in such educational service worker capacity were performed in the prior year, term, or vacation period and there is a contract or a reasonable assurance of returning to work for an any such educational institution or any educational service contractor immediately following the period of unemployment. Such periods of unemployment include those occurring:

(A) Between two successive academic terms or years;

(B) During an established and customary vacation period or holiday recess;

(C) During the time period covered by an agreement that provides instead for a similar period between two regular but not successive terms; or

(D) During a period of paid sabbatical leave provided for in the individual's contract;

and

~~(2)~~(3) With respect to services performed by an educational service worker in any other capacity to, for, with, or on behalf of any educational institution, including those operated by the United States government or any of its instrumentalities, divisions, or agencies, benefits shall not be paid during periods of unemployment if services in such educational service worker capacity were performed in the prior year, term, or vacation period and there is a reasonable assurance of returning to work for ~~an~~ any such educational institution or any educational service contractor immediately following the period of unemployment. If compensation is denied pursuant to this paragraph to an individual, however, and ~~that~~ such individual is not offered an opportunity to perform services for ~~the~~ any educational institution or to provide services to, for, with, or on behalf of any educational institution for any educational service contractor following the unemployed period, such individual shall be entitled to retroactive payment for each week during that period of unemployment a timely claim was filed and benefits were denied solely by reason of this paragraph. Such periods of unemployment include those occurring:

(A) Between two successive academic years or terms; or

(B) During an established and customary vacation period or holiday recess, ~~and~~

~~(3)~~(4) Benefits shall not be paid as specified in paragraphs ~~(1) and (2)~~ and (3) of this subsection to any individual for any week of unemployment if the individual performs such services in an educational institution while in the employ of an educational service agency. For the purposes of this paragraph, the term 'educational service agency' means a governmental agency or governmental entity that is established and operated exclusively for the purpose of providing such services to one or more educational institutions.

~~(b)~~(c) **Benefits based on services in professional sports.** Benefits shall not be paid to an individual on the basis of any services substantially all of which consist of participating in professional sports or athletic events or of training or preparing to so participate for any week which begins during the period between two successive sport seasons or similar periods if such individual performed such services in the first of such seasons or similar periods and there is a reasonable assurance that such individual will perform such services in the ~~later~~ latter of such seasons or similar periods.

~~(c)~~(d) **Benefits based on services performed by aliens.**

(1) Benefits shall not be paid to an individual based on services performed by an alien unless such alien was lawfully admitted for permanent residence at the time such services were performed, was lawfully present for purposes of performing such services, or was permanently residing in the United States under color of law at the time such services were performed.

(2) Any data or information required of individuals applying for benefits to determine whether benefits are payable because of their alien status shall be uniformly required from all applicants for benefits.

(3) In the case of an individual whose application for benefits would otherwise be approved, no determination that benefits to such individual are not payable because of the individual's alien status shall be made except upon a preponderance of the evidence.

~~(d)~~(e) As used in this Code section, the term 'reasonable assurance' means a written, verbal, or implied agreement between an employer and its employee that such employee will be returned to employment following the period of unemployment."

SECTION 5.

Said chapter is further amended by revising Code Section 34-8-221, relating to review of decision of hearing officer by the board of review, as follows:

"34-8-221.

(a) The board of review may on its own motion affirm, modify, or set aside any decision of an administrative hearing officer on the basis of the evidence previously submitted in such case or direct the taking of additional evidence or may permit any of the parties to such decision to initiate further appeals before the board of review. The board of review shall promptly notify the parties to any proceedings of its findings and decision. The decision of the board shall ~~be~~ become final 15 days from the date the decision is mailed to the parties.

(b) The board of review may, in its discretion and on its own motion, reconsider its ~~final~~ decision at any time within 15 days ~~of the release of the final decision of the board from~~ the date the decision is mailed to the parties. The board shall notify all concerned parties of its intent to reconsider a final decision. Such notice shall stay the process of judicial review until a final decision is released by the board.

(c) The quorum for the board of review shall be two members. No meeting of the board shall be scheduled when it is anticipated that less than two members will be present, and no hearing shall be held nor decision released by the board in which less than two members participated.

(d) In the event only two members are able to vote on a case and one member votes to affirm the decision of the administrative hearing officer but the other member votes to reverse the decision or remand the case for another hearing, the decision of the administrative hearing officer shall stand affirmed.

(e) The Commissioner shall provide the board of review and the office of administrative appeals with proper facilities and assistants for the execution of their functions."

SECTION 6.

Said chapter is further amended by revising Code Section 34-8-223, relating to procedures for judicial review, as follows:

"34-8-223.

(a) Any decision of the board of review, in the absence of a reconsideration as provided in subsection ~~(d)~~ (b) of Code Section ~~34-8-192~~ 34-8-221, shall become final 15 days after the date of notification or mailing. Judicial review shall be permitted only after any party claiming to be aggrieved thereby has exhausted his or her administrative remedies as provided by this chapter. The Commissioner shall be deemed to be a party to any judicial action involving any such decision and shall be represented in any such judicial action by the Attorney General.

(b) Within 15 days after the decision of the board of review has become final, any party aggrieved thereby may secure judicial review by filing a petition against the Commissioner in the superior court of the county where the employee was last employed. In the event the individual was last employed in another state, such appeal shall be filed in Fulton County, Georgia. Any other party to the proceeding before the board of review shall be made a respondent. The petition, which need not be verified but which shall state specifically the grounds upon which a review is sought, shall be served upon the Commissioner ~~or upon such person as the Commissioner may designate, or upon his or her designee within 30 days from the date of filing.~~ Such service upon the Commissioner shall be made by certified mail or statutory overnight delivery, return receipt requested; hand delivery; or in a manner prescribed by the law of this state for service of process to Georgia Department of Labor, Unemployment Insurance Legal Section, Suite 826, 148 Andrew Young International Boulevard, N.E., Atlanta, GA 30303-1751. Such and such service shall be deemed completed service on all parties, but there shall be ~~left with the party~~ so served upon the Commissioner or his or her designee as many copies of the petition as there are respondents. The Commissioner shall mail one such copy to each such respondent. Within 30 days after the service of the petition, the Commissioner shall certify and file with the superior court all documents and papers and a transcript of all testimony taken in the matter, together with the board of review's findings of fact and decision therein. The Commissioner shall not be required to furnish any person with a copy of the aforementioned documents, papers, or transcripts or the original of these items prior to the Commissioner's filing these items with the court. The Commissioner may also, in his or her discretion, certify to such court questions of law involved in any decision. As a guide for future interpretation of the law, when the Commissioner is aggrieved by any decision of the board of review or deems such decision contrary to the law and no other party enters an appeal therefrom, the Commissioner may, within 20 days after such decision has

become final, appeal and certify to the superior court questions of law therein involved. The court shall consider and determine the same and enter a decree accordingly, which shall be subject to further appeal by the Commissioner. In any judicial proceeding under this Code section, the findings of the board of review as to the facts, if supported by evidence and in the absence of fraud, shall be conclusive, and the jurisdiction of the court shall be confined to questions of law. Such actions and the questions so certified shall be heard in a summary manner and shall be given precedence over all other civil cases except cases to which the state is a material party and cases arising under Chapter 9 of this title. An appeal may be taken from the decision of the superior court to the Court of Appeals in the same manner as is provided in civil cases but not inconsistent with this chapter. No bond shall be required for entering an appeal."

SECTION 7.

Said chapter is further amended by revising Code Section 34-8-253, relating to obedience to subpoena required and self-incrimination, as follows:

"34-8-253.

(a) No person shall be excused from attending and testifying or from producing books, papers, correspondence, memoranda, and other records before the Commissioner, the board of review, ~~an~~ the chief administrative hearing officer, or ~~any~~ their duly authorized representative of any of them ~~representatives~~ or in obedience to ~~the~~ a subpoena of any of ~~issued by them in any cause or proceeding before the Commissioner, the board of review, or an administrative hearing officer~~ on the ground that the testimony or evidence, documentary or otherwise, required of ~~him or her~~ a person may tend to incriminate ~~him or her~~ or subject ~~him or her~~ such person to a penalty or forfeiture. However, no individual person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which the ~~individual~~ person is compelled, after having claimed the privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that such ~~individual~~ person testifying shall not be exempt from prosecution and punishment for perjury committed in testifying.

(b) The Commissioner, the board of review, the chief administrative hearing officer, or any duly authorized representative of any of them may quash, modify, or withdraw a subpoena issued by them."

SECTION 8.

Said chapter is further amended by revising Code Section 34-8-254, relating to overpayments of benefits, as follows:

"34-8-254.

(a) Any person who has received any sum as benefits under this chapter while any conditions for the receipt of benefits imposed by this chapter were not fulfilled or while the person was disqualified from receiving benefits shall, in the discretion of the Commissioner, ~~either~~

(1) ~~Be~~ be liable to have such sums deducted from any future benefits payable to such person under this chapter, with no single deduction to exceed 50 percent of the amount of the payment from which such deduction is made; ~~and, or~~

(2) ~~Be shall be~~ liable to repay the Commissioner for the Unemployment Compensation Fund a sum equal to the amount so received by ~~him~~ such person. Such sum shall be collectable in the manner provided by law for the collection of debts or any other method of collection specifically authorized by this chapter.

(b) For the purpose of collecting overpaid benefits when the ~~individual person~~ who owes the payment resides or is employed outside ~~the State of Georgia~~ this state, the Commissioner may enter into an agreement with one or more private persons, companies, associations, or corporations providing debt collection services; provided, however, the Commissioner shall retain legal responsibility and authority for the collection of overpayments of benefits and any debt collection agency shall function merely as an agent of the Commissioner for this purpose. The agreement may provide, at the discretion of the Commissioner, the rate of payment and the manner in which compensation for services shall be paid. The Commissioner shall provide the necessary information for the contractor to fulfill its obligations under the agreement. Any funds recovered shall be transmitted promptly to the Commissioner for deposit into the Unemployment ~~Trust~~ Compensation Fund.

(c)(1) ~~Except as provided in paragraph (2) of this subsection, the~~ The Commissioner may waive the repayment of an overpayment of benefits if the Commissioner determines such repayment to be inequitable.

(2) If any person receives such overpayment because of false representations or willful failure to disclose a material fact by such ~~individual person~~, inequity shall not be a consideration and the person shall be required to repay the entire overpayment; ~~provided, however, that penalty and interest plus all applicable penalty and interest amounts. Such penalty amounts shall not be waived. Interest~~ accrued on the overpayment ~~are~~ is subject to waiver if the Commissioner determines such waiver to be in the best interest of ~~the~~ this state.

(d) Any person who has received any sum as benefits under this chapter and is subsequently awarded or receives back wages from any employer for all or any portion of the same period of time for which such person has received such benefits shall be liable, in accordance with subsection (a) of this Code section, to repay a sum equal to the benefits

paid during the period for which such back wages were awarded, ~~as follows~~ and the employer shall be:

(1) ~~An employer shall be authorized~~ Authorized to deduct from an award of back wages ~~the an amount of equal to all~~ unemployment benefits received by such person under this chapter with respect to the same period of time. The employer shall remit the amount deducted to the Commissioner for the Unemployment Compensation Fund. Upon receipt of such payment the Commissioner shall then make appropriate adjustments in the unemployment contributions experience rating account of the employer as otherwise provided in this chapter; ~~and or~~

(2) ~~If the employer is a governmental entity or nonprofit organization that has elected to make payments in lieu of contributions in accordance with Code Section 34-8-158 and the employee is subsequently awarded or otherwise receives payment of back wages for any period of time for which the employee received benefits under this chapter, said employer shall be entitled~~ Entitled to a setoff against the award of back wages in an amount equal to all benefits paid to the employee during the period for which such back wages are awarded or received, if such employer is a governmental entity or nonprofit organization that has elected to make payments in lieu of contributions in accordance with Code Section 34-8-158 and the employee is subsequently awarded or otherwise receives payment of back wages for any period of time for which such employee received benefits under this chapter."

SECTION 9.

Said chapter is further amended by revising Code Section 34-8-255, relating to effect of false statements and misrepresentations made to obtain or increase benefits, as follows:

375 "34-8-255.

376 Any person who knowingly makes a false statement or misrepresentation as to a material
377 fact or who knowingly fails to disclose a material fact to obtain or increase benefits under
378 this chapter, either for himself or herself or for any other person, or who knowingly accepts
379 benefits under this chapter to which such person is not entitled shall, upon an appropriate
380 finding by the Commissioner, cease to be eligible for such benefits and an overpayment of
381 benefits shall be computed without the application of deductible earnings as otherwise
382 provided in Code Section 34-8-193. A penalty of ~~10~~ 15 percent ~~may~~ shall be added to the
383 overpayment and become part of the overpayment. Interest shall accrue on the unpaid
384 portion of such overpayment at a rate of 1 percent per month until repaid to the
385 Commissioner for the Unemployment Compensation Fund. Further, such person shall
386 forfeit all unpaid benefits for any weeks of unemployment subsequent to the date of the
387 determination issued by the Commissioner covering said act or omission. The ineligibility
388 shall include any unpaid benefits to which the person would otherwise be entitled during
389 the remainder of any incomplete calendar quarter in which said determination is made and
390 the next four complete calendar quarters immediately following the date of said
391 determination; provided, however, such person shall be required to repay benefits received
392 for any week as specified in said determination. No determination may be made by the
393 Commissioner more than four years after such occurrence, act, or omission. Any such
394 determination by the Commissioner may be appealed in the same manner as provided for
395 the appeal from an initial determination in Article 8 of this chapter. The provisions of this
396 Code section shall be in addition to, and not in lieu of, any provision contained in any of
397 the other Code sections in this chapter."

398 **SECTION 10.**

399 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended
400 by revising paragraph (1) of Code Section 50-13-2, relating to definitions relative to
401 administrative procedure, as follows:

402 "(1) 'Agency' means each state board, bureau, commission, department, activity, or
403 officer authorized by law expressly to make rules and regulations or to determine
404 contested cases, except the General Assembly; the judiciary; the Governor; the State
405 Board of Pardons and Paroles; the State Financing and Investment Commission; the State
406 Properties Commission; the Board of Bar Examiners; the Board of Corrections and its
407 penal institutions; the State Board of Workers' Compensation; all public authorities
408 except as otherwise expressly provided by law; the State Personnel Board; the
409 Department of Administrative Services or commissioner of administrative services; the
410 Technical College System of Georgia; the Department of Labor when conducting

411 hearings related to unemployment benefits or overpayments of unemployment benefits;
412 the Department of Revenue when conducting hearings relating to alcoholic beverages,
413 tobacco, or bona fide coin operated amusement machines or any violations relating
414 thereto; the Georgia Tobacco Community Development Board; the Georgia Higher
415 Education Savings Plan; any school, college, hospital, or other such educational,
416 eleemosynary, or charitable institution; or any agency when its action is concerned with
417 the military or naval affairs of this state. The term 'agency' shall include the State Board
418 of Education and Department of Education, subject to the following qualifications:

419 (A) Subject to the limitations of subparagraph (B) of this paragraph, all otherwise valid
420 rules adopted by the State Board of Education and Department of Education prior to
421 January 1, 1990, are ratified and validated and shall be effective until January 1, 1991,
422 whether or not such rules were adopted in compliance with the requirements of this
423 chapter; and

424 (B) Effective January 1, 1991, any rule of the State Board of Education or Department
425 of Education which has not been proposed, submitted, and adopted in accordance with
426 the requirements of this chapter shall be void and of no effect."

427 **SECTION 11.**

428 (a) Except as provided in subsection (b) of this section, this Act shall become effective upon
429 its approval by the Governor or upon its becoming law without such approval.

430 (b) Section 4 of this Act shall become effective on January 1, 2015.

431 **SECTION 12.**

432 All laws and parts of laws in conflict with this Act are repealed.